

## **SECTION 10: MOTORIST COMPLIANCE ENFORCEMENT**

### **10.1 COMPLIANCE**

Compliance with the low enhanced I/M program is ensured through a sticker-based enforcement program, which contains provisions for registration suspension and/or mandatory monetary penalties. A demonstration concerning this alternative enforcement mechanism as per 40 CFR 51.361 was submitted on March 13, 2001, to the EPA.

### **10.2 ENFORCEMENT**

Enforcement of program requirements is handled by the DPS. A MVI Station does not issue an emissions inspection certificate for a vehicle unless compliance with I/M program requirements has been achieved. The emissions inspection certificate (windshield sticker) received upon compliance with I/M program requirements is used as an external, readily visible means of determining a vehicle's compliance status with the I/M program. The month that an inspection certificate is issued is indicated in the appropriate area of the certificate. The year of expiration of the inspection certificate is indicated by an insert placed in the appropriate block on the certificate. The information on the inspection certificate clearly indicates when the next annual inspection is due. Subject vehicles, which do not comply with the program requirements, will receive a temporary certificate (orange windshield sticker) with the reason for failure indicated on the sticker. Motorists operating vehicles with an expired or invalid inspection certificate are subject to citations by local and state law enforcement officials.

### **10.3 PENALTIES**

The penalty system is structured to deter non-compliance with the sticker requirement through the use of mandatory minimum fines (civil, monetary penalties which may vary in amount) thereby constituting a meaningful deterrent. According to the DPS, the penalty for operating a vehicle with an expired or missing inspection certificate ranges from \$80 to \$140. LA R.S. 32:1310 (Appendix B) provides that any person violating any of the provisions of LA R.S. 32:1301-1308 (Appendix B) or of any rules and regulations established shall, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or by both such fine and imprisonment. The current penalty to a

station for a missing sticker is \$25 per sticker. Before assessing this fine, a safety enforcement officer investigates to determine if it is stolen or lost/misplaced due to carelessness. If it is determined that an inspector/station illegally sold the inspection certificate/sticker, the inspector/station can be criminally charged as well as revoked from the program.

Furthermore, in accordance with LA R.S. 32:1304 (Appendix B), the Secretary of the DPS may suspend the registration of any vehicle for which a required inspection certificate has not been obtained. The administrative authority anticipates a 96% compliance rate can be achieved and maintained through cooperation with the DPS.